

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:18-00256

RODNEY LAMMAR HARGROVE

MEMORANDUM OPINION AND ORDER

Pending before the court is the government's motion to continue the trial for a period of at least fourteen days. (ECF No. 29). In support of its motion and the need for a continuance, counsel for the government contends that: 1) he has a scheduling conflict because he is scheduled to be in a trial before Judge Copenhaver on the same date; 2) the case agent in this case also has a conflict because he will be testifying in the case before Judge Copenhaver; 3) there has been insufficient time for defendant to consider a plea offer proffered by the United States; and 4) he is still waiting for a laboratory report that will need to be provided to defendant. Counsel for defendant has informed the court that he does not oppose defendant's request for a brief continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the motion to continue. In deciding to grant the motion to continue, the court considered the factors outlined in

18 U.S.C. §3161(h) (7) (B) and found that failure to grant a continuance would unreasonably deny the government continuity of counsel.

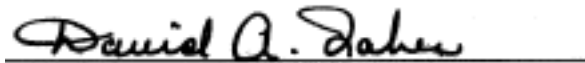
Accordingly, the court hereby **ORDERS** as follows:

1. Trial of this action is continued until March 20, 2019, at 9:30 a.m., in Charleston. Jury instructions and proposed voir dire are to be filed by March 13, 2019;
2. All pretrial motions are to be filed by March 4, 2019;
3. A pretrial motions hearing is scheduled for March 11, 2019, at 11:30 a.m., in Charleston;
4. Pursuant to 18 U.S.C. § 3161(h) (7) (A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 22nd day of February, 2019.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge